

BEFORE THE STATE AUDITOR
AND COMMISSIONER OF INSURANCE
HELENA, MONTANA

IN THE MATTER OF:) Case No. 2001-49
)
THE PROPOSED DISCIPLINARY) Consent Agreement
TREATMENT OF DENNIS LANGAGER,)
)
Respondent.)

I.

The Montana Insurance Commissioner (Commissioner), pursuant to the authority of the Insurance Code of Montana, Section 33-1-101, et seq., Mont. Code Ann. (2001), determines that there is reason to believe that the following allegations, if true, justify and support disciplinary treatment.

ALLEGATIONS

1. Dennis Langager, producer license number 19647, is a licensed Montana insurance producer.
2. The State Auditor's Office received two separate complaints involving Dennis Langager.
3. In talking with one person, he termed a medicare supplement as "medical supp carriers" and "medical supplement."
4. One person was insured by Mutual Protective/Medico Life Insurance Company.
5. Langager implied that Mutual Protective was not wisely investing its premiums. Furthermore, he stated that the insurance company had a cease and desist order in the state and that the insurance company could no longer sell in the state.

CONCLUSIONS

1. The State Auditor is the Commissioner of Insurance pursuant to section 2-15-1903, MCA.
2. The Commissioner shall administer the Department of Insurance to protect insurance consumers pursuant to section 33-1-311, MCA.
3. Langager is in violation of 33-18-204, MCA, for twisting.
4. Langager is in violation of 33-18-302, MCA for defaming an insurance company.
5. Langager is in violation of 6.6.519(2), ARM for knowingly making a misleading misrepresentation.
6. Langager is in violation of 6.6.519(3), ARM for using a term other than medicare supplement.

II.

Dennis Langager stipulates and consents to the following:

- A. To pay a fine of \$500;
- B. To comply with the insurance Code of Montana;
- C. To waive the right to a hearing on the allegations and by entering into this consent, Langager neither admits nor denies the allegations;
- D. That Respondent states that he has read the foregoing Consent Agreement, that he knows and fully understands its contents and effect. He has been advised of: his right to be

represented by legal counsel and that his legal representation was satisfactory; his right to a hearing on this matter; his right to present evidence and arguments to the Commissioner; and his right to appeal from an adverse determination after hearing. He understands that by signing this Consent Agreement, he waives those rights mentioned above in this paragraph D in their entirety;

E. Respondent states that he understands that the Consent Agreement is a part of the file, which is a public record. As a public record it may not be sealed; and

F. It is further understood that this Consent Agreement constitutes the entire agreement between the parties, there being no other promises or agreements, either express or implied.


III.

Pursuant to the stipulation and consent of Langager, the Commissioner, under the authority of the Insurance Code of Montana and Section 2-4-603, MCA, hereby agrees that if the terms and conditions of this Consent Agreement are fully met, he will not initiate any civil or administrative action against Langager regarding the allegations contained therein pursuant to Sections 33-1-317 and 33-17-1001, MCA. In consideration for the Commissioner not initiating any civil or administrative action, Langager fully and forever releases and discharges the Office of the State Auditor and all State Auditor employees from any and all actions, claims, causes of action, demands, or expenses for

damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the above entitled administrative action.

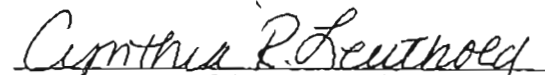
Dated this 29 day of October, 2001.

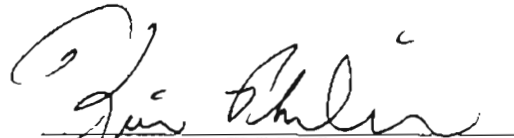
RESPONDENT


Dennis Langage

Subscribed and Sworn to before me this 29 day of October, 2001.

(SEAL)


Cynthia R. Leuthold
Notary Public for the
State of Montana
Residing at Billings, MT
my commission expires 3-21-2004


Kevin F. Phillips
Staff Attorney
Department of Insurance

RECEIVED
STATE AUDITOR'S
OFFICE
Oct 31 11 47 AM '01

1 BEFORE THE STATE AUDITOR
2 AND COMMISSIONER OF INSURANCE
3 HELENA, MONTANA

4	IN THE MATTER OF:)	CASE NO. 2001-49
5	THE PROPOSED DISCIPLINARY)	NOTICE OF PROPOSED AGENCY
6	TREATMENT OF DENNIS LANGAGER,)	ACTION AND OPPORTUNITY FOR
7	Respondent.)	HEARING (LICENSE DISCIPLINE
8)	AND ADMINISTRATIVE FINE)
9)	

10 TO: Dennis Langager
11 2101 Overland Ave
12 Suite 100
Billings, MT 59102

13 PLEASE TAKE NOTICE

14 Staff of the Insurance Division of the office of the State
15 Auditor and Commissioner of Insurance of the state of Montana
16 (Commissioner), pursuant to the authority of the Insurance Code
17 of Montana, Section 33-1-101, et seq., Montana Code Annotated
18 (1999) (MCA), is proposing to the Commissioner that he take
19 disciplinary action against the entities named above for
20 violations of the Montana Code. The Commissioner has authority
21 to take such action under the provisions of Sections 33-1-317,
22 33-17-411, 33-17-1001, and 33-17-1002, MCA.

23 In particular, the staff is recommending action against the
24 insurance producer's license and that appropriate fines be
25 imposed.

1 Service of process is pursuant to section 33-1-314, MCA.

2 REASONS FOR ACTION

3 There is probable cause to believe that the following facts,
4 if true, justify and support such disciplinary treatment.

5 ALLEGATIONS

6 1. Dennis Langager, producer license number 19647, is a
7 licensed Montana insurance producer.

8 2. The State Auditor's Office received two separate
9 complaints involving Dennis Langager.

10 3. In talking with one person, he termed a medicare
11 supplement as "medical supp carriers" and "medical supplement."

12 4. One person was insured by Mutual Protective/Medico Life
13 Insurance Company.

14 5. Langager implied that Mutual Protective was not wisely
15 investing its premiums. Furthermore, he stated that the
16 insurance company had a cease and desist order in the state and
17 that the insurance company could no longer sell in the state.

18 CONCLUSIONS

19 1. The State Auditor is the Commissioner of Insurance
20 pursuant to section 2-15-1903, MCA.

21 2. The Commissioner shall administer the Department of
22 Insurance to protect insurance consumers pursuant to section 33-
23 1-311, MCA.

24 3. Langager is in violation of 33-18-204, MCA, for
25 twisting.

1 4. Langager is in violation of 33-18-302, MCA for defaming
2 an insurance company.

3 5. Langager is in violation of 6.6.519(2), ARM for
4 knowingly making a misleading misrepresentation.

5 6. Langager is in violation of 6.6.519(3), ARM for using a
6 term other than medicare supplement.

7 STATEMENT OF RIGHTS

8 You are entitled to a hearing and to respond to this notice
9 and present evidence and arguments on all issues involved in this
10 case. You may have a formal hearing before a hearing examiner
11 appointed by the Commissioner. This is provided for by the
12 Montana Administrative Procedure Act, sections 2-4-601, MCA, and
13 following, including Section 2-4-631, MCA. If you demand a
14 hearing, you will be given notice of the time, place and the
15 nature of the hearing. Pursuant to section 33-1-701(2), the
16 hearing shall be held within 30 days after receipt of the demand
17 by the commissioner, unless postponed by mutual consent.

18 You have a right to be represented by an attorney at any and
19 all stages of this proceeding.

20 If you want to resist the proposed action under the
21 jurisdiction of the Commissioner, you must so advise him within
22 fifteen (15) days of the date you receive this notice. You may
23 so advise him by writing to Kevin Phillips, Insurance Attorney,
24 State Auditor's Office, 840 Helena Ave, Helena, Montana 59604-
25 4009. While so advising Mr. Phillips, you should make clear

1 whether you demand a hearing, or whether you waive formal
2 proceedings and, if so, what informal proceedings you prefer for
3 handling this case. Pursuant to section 2-4-603(2), Mont. Code
4 Ann., you may not request to proceed informally if the action
5 could result in suspension, revocation or any other adverse
6 action against a professional license.

7 Should you request a hearing, you have the right to be
8 accompanied, represented, and advised by counsel. If the counsel
9 you choose has not been admitted to practice law in the state of
10 Montana, he or she must comply with the requirements of
11 Application of American Smelting and Refining Co., (1973), 164
12 Mont. 139, 520 P.2d 103.

13 CONTACT WITH INSURANCE COMMISSIONER'S OFFICE

14 If you have questions or wish to discuss this matter, please
15 contact Kevin Phillips, legal counsel for the State Auditor, 840
16 Helena Ave, Helena, MT, 59604-4009, (406)444-3496 or, within
17 Montana, (800)332-6148. If you are represented by an attorney,
18 please make any contacts with this office through your attorney.

19 POSSIBILITY OF DEFAULT

20 Failure to give notice or to advise of your demand for a
21 hearing or form of informal procedure within fifteen (15) days,
22 will result in the entry of a default order imposing the
23 disciplinary sanctions against you and your license, all without

24 ///

25 ///

1 any more notice to you, pursuant to 6.2.101, Administrative Rules
2 of Montana and the Attorney General's Model Rule 10, 1.3.214.

3 DATED this 17th day of September, 2001.

4 JOHN MORRISON
5 State Auditor and
6 Commissioner of Insurance

7 By: 
8 Kevin F. Phillips
9 Insurance Attorney

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TO: Dennis Langager
2101 Overland Ave.
Suite 100
Billings, MT 59102

Paula Switzer
State Auditor's Office